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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,233	03/03/2004	Jeff A. Zimniewicz	MS136652.02/MSFTP1152USA	4663
27195 7590 06/21/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER BAYERL, RAYMOND J	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/792,233

**Applicant(s)**

ZIMNIEWICZ ET AL.

**Examiner**

Raymond J. Bayerl

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/3/04, 6/1/05</u> | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2174

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

2. It is noted that this application claims priority as a continuation of prior Application No 09/565,927 filed 5 May 2000. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a).

3. Claim 4 is objected to because of the following informalities: please note "for one of the components a [at?] the first level", lines 2 - 3. Appropriate correction is required.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2174

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. ("Hendrickson"; US #5,933,646 A) in view of Cheng, Jr. et al. ("Cheng"; US #2003/0,110,241 A1).

As per claim 1's "component install action selection screen", please note Hendrickson's user interface which allows the computer user to view the stored information and permits the user to specify changes to the prevailing states (Abstract). As shown in fig 4 and described at col 9, lines 11 – 20, the products and features view allows a user to look at the computer system in terms of groupings of related features. These related features read upon the claimed "first list of the plurality of constituent components".

More importantly, as in "obtaining" and "displaying one of" the "install actions" for "each of the plurality of constituent components", the Installed? Column in Hendrickson's fig 4 clearly indicates "install actions" for the Products / features, and using icons "in proximity to each of the plurality of constituent components". Hendrickson would also use a "computer-readable medium" in conjunction with a "suite" as in claim 5.

Where the claims begin to differ from Hendrickson is when the "install actions" presented are taken from a "second list of available install actions for each of the plurality of constituent components". While Hendrickson does not **explicitly** teach that availability is a factor in determining the "install actions" afforded the user, this appears

Art Unit: 2174

with respect to the software products for which software updates are available in Cheng (Abstract). Fig 4 depicts a “second list” in the Remarks column, for those “constituent components” that are in the Application/Driver column (see also paragraphs 0053 and 0054).

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to show a listing of “**available** install actions”, as suggested by Chenng, for a listing of the related features shown in Hendrickson, so that the user is better apprised of which choices for installation will indeed proceed.

Claim 2's “tree” is read upon by the Products / features hierarchy of Hendrickson's fig 4, as is the “tree expansion symbol” (claim 3) and “tree contraction symbol” (claim 4).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In updating the search on this particular invention, the Examiner wished to note that Delo (US #2005/0,172,283 A1) also provides for custom software installation.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Raymond J. Bayerl, whose telephone number is (571) 272-4045. The Examiner can normally be reached on M – Th from 9:00 AM to 4:00 PM ET.

9. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application

Art Unit: 2174

related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

10. Any inquiry of a general nature or relating to the status of this application of proceeding should be directed to the receptionist, whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2174

19 June 2007